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MICHAEL A. VIDAL and
ESTATE OF EVA RAMOS
 (through its Administrator
JESSICA CLEMENTE)

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHAEL A. VIDAL, an individual, et al.	)	CASE NO.: 2:22-cv-00274-ART-BNW
)	
Plaintiffs,	)	UNOPPOSED
vs.)	
	)	PLAINTIFFS' MICHAEL A. VIDAL AND
VERIZON PENSION PLAN FOR	)	ESTATE OF EVA RAMOS (THROUGH
ASSOCIATES, ((<i>Plan No. 16</i>), an entity under	)	ITS ADMINISTRATOR JESSICA
<i>ERISA</i>)), et al.	)	CLEMENTE) UNOPPOSED MOTION TO
	)	EXTEND ALL DISCOVERY DEADLINES
Defendants.	)	FED. R. CIV. P. 6(B), LR IA 6-2 & LR 26-3
	)	RELIEF ON ORDER SHORTENING
	)	TIME
	)	(FIFTH REQUEST)
)	

COMES NOW Plaintiffs MICHAEL VIDAL and the ESTATE OF EVA RAMOS
 (through its Administrator JESSICA CLEMENTE) by and through the law office of ODUNZE
 PLLC and its attorney IKENNA ODUNZE, ESQ. and pursuant to LR IA 6-2, LR 26-3, LR 26-6,
 Fed. R. Civ. P. 6 and any other applicable rule (that is favorable to the Plaintiffs) submit this
UNOPPOSED motion ("Motion") for an approximately two month/60-day extension. This is a

1 fifth request of the extension of the aforesaid deadlines (however the only the fourth request
2 came prior to the hearing of motions to dismiss).

3 This Motion is based upon the papers (including but not limited to the below declaration)
4 and any favorable pleadings on file herein, the attached memorandum of points and authorities,
5 and any argument favorable to the Plaintiffs which the Court may entertain in its review or
6 hearing thereon.
7

8 DATED this 5th day of March 2024.

9 ODUNZE PLLC

10
11 /s/Ikenna Odunze/

12 Ikenna Odunze, Esq.
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19 *Attorneys for Plaintiffs*
20 MICHAEL A. VIDAL and
21 ESTATE OF EVA RAMOS
22 (through its Administrator
23 JESSICA CLEMENTE)
24
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**ATTORNEY IKENNA ODUNZE’S 28 U.S.C. § 1746 MEET AND CONFER
CERTIFICATION AND DECLARATION IN SUPPORT OF ORDER SHORTENING**

I, IKENNA ODUNZE pursuant 28 U.S.C. § 1746 declare that:

1. I am above the age of eighteen years, and I am competent to testify and attest to the matters set forth in this declaration and I have personal knowledge of the matters set forth herein, that the same are true (and accurate) to the best of my own knowledge except for those matters therein stated on information and belief, and as for those matters I believe them to be true (and accurate).
2. My name is Ikenna Odunze.
3. I am the attorney of record for the above captioned named Plaintiffs in the above captioned matter, Case No.: 2:22-cv-00274-ART-BNW (hereinafter referred to as the “Case”).
4. I filed the enclosed motion to extend (hereinafter referred to as the “Motion”) all the discovery deadlines by approximately two months or approximately 60-days (or as close 60-days as possible).
5. I first requested the Defendants for the referenced extension on February 11, 2024.
6. On February 19, 2024, a meet-and-confer telephone conference (wherein defendants’ counsel and I conferred) was held to discuss extension request and discovery. Attorney Hollihan, Esq. and I participated in the aforesaid meet-and-confer and then Attorney Edward Perrin and I participated in a separate meet-and-confer.
7. The Defendant attorneys stated that as a matter of professional courtesy the Defendants do not oppose the Plaintiffs’ requested two-month extension. I mentioned that I would include such verbiage within this motion.
8. The Defendants’ counsel mentioned that they would not oppose the extension request

1 however their preference was that I file motion as opposed to the parties doing an SAO.

2 9. I (Plaintiffs' counsel have been undergoing an incredibly painful lower body condition
3 which is being assessed by physicians) that has overlapped with the preceding and
4 ongoing discovery time and makes it difficult to walk, stand, sit, ambulate etc. and is one
5 of the concurrent reasons for the referenced request for extension as the condition makes
6 all matters and task require more time). The condition was unexpected, unanticipated
7 and outside of the parties and plaintiffs' counsel's control.
8

9 10. The 21-day cut off for nearest cut-off is today and that is good cause to grant the enclosed
10 motion on order shortening time, amongst the reasons and factors discussed in the
11 motion.
12

13 11. The enclosed motion is not filed for the purpose of delay.

14 12. The factual statements preceding this declaration are true and accurate.

15 13. I declare and state under penalty of perjury that the foregoing is true and correct.

16 14. I submit the foregoing declaration pursuant to 28 U.S.C. § 1746.
17

18 FURTHER YOUR DECLARANT SAYETH NAUGHT

19 Executed on 03/05/2024 /s/Ikenna Odunze, Esq.
20 (DATE) Signature IKENNA ODUNZE, ESQ

21
22 **POINTS AND AUTHORITIES**

23 **I. INTRODUCTION & PROCEDURAL HISTORY**

24 The instant action (hereinafter referred to as the "Action" or the "instant Action")
25 concerns a multiparty ERISA litigation wherein ERISA 29 U.S.C. § 1132(a)(3) make-whole and
26 equitable surcharge relief are requested by the Plaintiffs for breaches of fiduciary duty
27 amounting to statutory violations of ERISA that are actionable under 29 U.S.C. § 1132(a)(3).
28

1 The Action was initiated on February 14, 2022. The initial complaint was amended as of
2 right on February 18, 2022. The Complaint was amended March 8, 2022 (again, hereinafter
3 referred to as “Second Amended Complaint” or “SAC” or “last operative complaint”), *See*
4 Docket No. 10 through 10-6. Seven appearing defendants (hereinafter referred to as the “Verizon
5 Defendants”) filed a motion to dismiss at ECF No. 42 (hereinafter referred to as the “Verizon
6 MTD”) on June 17, 2022 while the another four appearing defendants (hereinafter referred to as
7 the “Conduent Defendants”) filed their own motion to dismiss at ECF No. 44 (hereinafter
8 referred to as the “Conduent MTD”) on the same day. The Defendants’ motions to dismiss were
9 opposed by the Plaintiffs. The Plaintiffs also filed motions for leave to amend. Defendant
10 Patricia subsequently appeared in this case at beginning of last year and requested a dismissal on
11 January 31, 2023, which the Plaintiffs filed an oppositions to. A scheduling order was issued on
12 September 13, 2022. *See* ECF No. 92.

13
14
15 A previous extension (the first request) of all discovery deadlines was requested by the
16 Plaintiffs around April 6, 2023 and was GRANTED by Court on May 1, 2023.

17
18 On April 27, 2023 the Plaintiffs filed a motion for leave to amend with an attached
19 proposed third amended complaint (PCOMP) which was GRANTED on May 25, 2023.

20
21 On May 25, 2023 and May 26, 2023 the Court said the Third Amended Complaint was
22 the operative complaint and should be published on to the docket.

23 On June 8, 2022 the Verizon Defendants answered the Third Amended Complaint.

24 On June 17, 2023 the Third Amended Complaint was published on to the Docket.

25 On June 22, 2025 the Conduent Defendants answered the Third Amended Complaint.

26 The Court granted an extension in ECF No. 127 and since that date voluminous
27 (thousands of pages) of records have been assessed.
28

1 There are 14 named parties in this Case and thousands of pages of records and documents
2 were exchange in preceding months of this year and thousand of pages of records (and
3 documents) have been assessed in discovery period preceding today.
4

5 On November 2-3, 2023 all parties agreed and stipulated to extending all discovery
6 deadlines by 60-days (two months) and on November 7, 2025 the Court granted the stipulated
7 extension requested in ECF No. 132. On January 4, 2024 the Court granted the Plaintiffs last
8 unopposed motion (ECF No 134) to extend discovery deadlines The Plaintiffs sent email
9 correspondence to the Defendants' counsel requesting an extension, the Defendants indicated
10 that they were fine with a two-month extension (and that as a matter of professional courtesy the
11 Defendants do not oppose the Plaintiffs' requested two-month extension) but that they preferred
12 the Plaintiffs procure the extension via motion as opposed to SAO.
13

14 **II. LAW, ARGUMENT & LR 26-**

15 As mentioned in ECF No. 125 the records, documents, files and recordings exchanged-
16 and-received in matter are voluminous in this matter and despite diligently working through
17 records, documents, recordings etc in preceding discovery time the Plaintiffs' attorneys' law firm
18 is relatively small further that last two months have overlapped with the holidays and events
19 outside of the Plaintiffs' (and Plaintiffs' counsel's) control. This Moton is first-and-foremost a
20 request for that discovery be extended by approximately two months or approximately 60-days
21 (if a 60-day/two month extension is for some reason not granted/permitted then an alternatively
22 extension as close to 60-days/two months is requested); Attorney Ikenna Odunze, Esq's above
23 declaration and certification are incorporated by reference ("Odunze Decl.") as if fully set forth
24 herein.
25

26 **II. LR 26-3 (a) A STATEMENT SPECIFYING THE DISCOVERY COMPLETED;**

27
28

1 Since the last discovery scheduling order thousands of pages of documents/records have
2 been assessed (many of them complex in nature).

3 Plaintiffs served the Defendants initial disclosures on July 29, 2022. Plaintiffs were
4 served with initial disclosures on September 30, 2022. The ESTATE OF EVA RAMOS (through
5 its Administrator JESSICA CLEMENTE) on April 6, 2023 propounded and served Fed. R. Civ.
6 P Rule 33 interrogatories on the following defendants PATRICIA; CONDUENT BUSINESS
7 SERVICES, LLC; VERIZON PENSION PLAN FOR ASSOCIATES, (Plan No. 16); and
8 VERIZON COMMUNICATIONS INC.
9

10 The ESTATE OF EVA RAMOS (through its Administrator JESSICA CLEMENTE) on
11 April 6, 2023 propounded and served Fed. R. Civ. P Rule 34 request for production on the
12 following defendants PATRICIA; CONDUENT BUSINESS SERVICES, LLC; VERIZON
13 PENSION PLAN FOR ASSOCIATES, (Plan No. 16); and VERIZON COMMUNICATIONS
14 INC.
15

16 Both Conduent Defendants and Verizon Defendants answered the Plaintiffs above
17 discovery request on May 8, 2023.
18

19 On May 18, 2023, the Conduent Defendants amended their discovery responses.

20 On April 27, 2023 the Conduent Defendants propounded Interrogatories, Request for
21 Admission and Request for Production on the Plaintiffs to which the Plaintiffs responded to on
22 May 30, 2023 and June 16, 2023.
23

24 July 2023 Depositions were scheduled for Defendants Kevin Cammarata and Patricia
25 Bryant however are being moved to later dates – the holidays impacted witness availability.
26

27 In 2024 the Plaintiffs' counsel has been undergoing an incredibly painful lower body
28 condition which is being assessed by physicians that has overlapped with the preceding and

1 ongoing discovery time and makes it difficult to walk, stand, sit, ambulate etc. and is one of the
2 concurrent reasons for the referenced request for extension as the condition makes all matters
3 and task require more time; the aforesaid condition was unexpected, unanticipated and outside of
4 the parties and plaintiffs' counsel's control.

5
6 The Defendants agreed that they would not oppose this motion and the request for the
7 two-month extension.

8 **III. LR 26-3 (b) A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT**
9 **REMAINS TO BE COMPLETED:**

10
11 Since the last scheduling order multiple thousands of pages documents/records were
12 assessed.

13 \ The Plaintiffs are working on letters concerning further responses to the discovery the
14 Plaintiffs' previously sent, and the Plaintiffs have begun preparation of additional written
15 discovery much of will be concentrated on the Defendants' respective recent June 8, 2023 and
16 June 22, 2023 answers-and-affirmative defenses to the Third Amended Complaint amongst other
17 issues and subject matter.

18
19 The Defendants' answers-and-affirmative defenses were filed in June of 2023. Multiple
20 thousands of pages of documents were propounded and the assessment, review and analysis of
21 records, documents recordings, transcripts and other discovery is still ongoing. The Plaintiffs
22 anticipate and plan on propounding additional interrogatories and requests for production on the
23 Defendants and taking the depositions of Patricia Bryant, Kevin Cammarata, Patricia Bryant'
24 supervisors and Fed. R. Civ. 30(b)(6) persons most knowledgeable from the entity the
25 Defendants. However, in the Plaintiffs' view judicial economy and costs make it suggestable to
26 wait until after the Defendants provide further responses to areas the Plaintiffs elaborate they
27
28

1 want further responses to on already propounded discovery.

2 Each Defendant served thousands of documents prior to answering the Third Amended
3 Complaint and therefore the Plaintiffs' side assessment and review is still ongoing.

4 Parties are still assessing if experts will be needed (if any) and Plaintiffs' are still
5 assessing financing for any such experts.

6 As referenced above, since the last discovery scheduling order thousands of pages of
7 documents/records have been assessed (many of them complex in nature).

8
9 **IV. LR 26-3(c)THE REASONS WHY THE DEADLINE WAS NOT SATISFIED**
10 **OR THE REMAINING DISCOVERY WAS NOT COMPLETED WITHIN**
11 **THE TIME LIMITS SET BY THE DISCOVERY PLAN;**

12 None of the discovery deadlines have passed/expired. There are 14 named parties in this
13 matter and initial answers were just filed this year. Many of the current discovery dates still fall
14 near to Holidays and/or coincide with unexpected overlapping trial-dates/casework (which the
15 requested extension will help avoid) and each of the parties have each assessed voluminous
16 pages of records (and multiple complex issues) concerning this instant matter in the preceding
17 months of 2023 (this case was filed in 2022 and the last motions to dismiss were not heard until
18 May 2023) while also contending with overlapping cases (and trial schedules), also witness
19 availability in overlapping periods was an issue. Additionally unexpected unavoidable
20 overlapping arbitration was filed in an unrelated case. In 2024 the Plaintiffs' counsel has been
21 undergoing an incredibly painful lower body condition that is being by assessed by physicians
22 that has overlapped with the preceding and ongoing discovery time and makes it difficult to
23 walk, stand, sit, ambulate etc. and is one of the concurrent reasons for the referenced request for
24 extension as the condition makes all matters and task require more time; the aforesaid condition
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26
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1 was unexpected, unanticipated and outside of the parties and plaintiffs' counsel's control..
2 Considering the foregoing including the numerous upcoming intervening Holidays, witness
3 unavailability/availability, unanticipated overlapping (or prior) trial conflicts of counsel, travel
4 needs, health/health-needs, unanticipated overlapping trial dates (and preparation), law firm sizes
5 and other issues discussed hereunder (and in emails exchanged between the Stipulating Parties)
6 an additional two month extension is needed and requested to complete discovery and thus
7 necessitated this extension request.
8

9 As stated above the twelve Defendants' answers-and-affirmative defenses were filed in
10 June 2023 and Defendants provided multiple thousands of pages of records to Plaintiffs in
11 preceding months of this year. The previous period was utilized to assess claims, extensive
12 voluminous records and evidence (and to prepare discovery), and more time is needed for the
13 parties to complete discovery.
14

15 The request and grant of the request is judicially economic. Much of the prior discovery
16 period has been consumed with motion practice and oppositions and the parties anticipate more
17 motion practice may be needed.
18

19 The parties and their counsel are spread all over the United States, hence more time is
20 needed to conduct discovery.
21

22 The amend/add deadline is the nearest discovery deadline and it is on January 24, 2024.

23 The logistics and intervening Holidays and legal commitments make extending discovery
24 necessary.

25 During the discovery period the Plaintiff's counsel has also been contending with
26 unexpected health issues.
27

28 Unavoidable unanticipated unexpected legal commitments that have overlapped during

discovery period have also made extending discovery necessary (inclusive of but not limited to contending with the Defendants' motions).

In general and generally, more time is required to complete/conduct discovery and assess if experts are needed (and to procure and finance experts if any are needed), further the Plaintiffs need more time to fund the rest of discovery.

An extension would also ease some scheduling congestion.

For all the above reasons and all the reasons set forth in this stipulation-and-order an extension is needed, and remaining discovery has not yet been done.

The above reasons and considerations constitute good cause for asking for extension and the granting of the extension.

V. LR 26-3(d) A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.

The Plaintiffs propose the following dates for the remaining discovery

Discovery Cut-off Date - August 26, 2024

Date to file a motion to add parties
or motion to amend pleadings - May 28, 2024

Expert disclosure – June 27, 2024

Rebuttal expert – July 27, 2024

Dispositive motions – September 25, 2024

Pretrial Order – October 25, 2024, however if a dispositive motion is filed on or before this date then no sooner than 30-days from the Court's decision on the dispositive motion.

VI. FURTHER LAW AND ARGUMENT

The amount of time sought by this extension is two-months/60-days (plus any days

needed to avoid a deadline falling on a weekend). This is a fifth request by motion (but only fourth after the answers were filed) of the extension of the aforesaid deadlines. Fed. R. Civ. P 6, LR 26-3, LR IA 6-1, LR 26-1 and related local rules enables and permits this Court to grant an extension/enlargement of a date (including the discovery dates) for good cause. *See* Fed. R. Civ. P 6(b)(1) and LR 25-3; *See also Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–60 (9th Cir. 2010); *See also Mosely v. Eighth Judicial Dist. Court ex rel. County of Clark*, 188 P.3d 1136 (Nev. 2008); *Cal. Trout v. F.E.R.C.*, 572 F.3d 1003, 1027 n. 1 (9th Cir.2009); *PerezDenison v. Kaiser Found. Health Plan of the Nw.*, 868 F. Supp. 2d 1065 (D. Or. 2012); *Venegas–Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir.1987).

Fed. R. Civ. P 6(b), LR 26-3 and LR IA 6-1 (on their faces) employ and mention a “good cause” standard for granting extension/alteration of time and deadlines. *See* Fed. R. Civ. P. 6(b) and IA LR 6-1(d). Rule 6(b) also allows extension/alteration of times under “excusable neglect” when a moving-party files a motions after a deadline has elapsed/expired. *Id.* However, in the instant matter the Court need not reach (or apply) the “excusable neglect” standard because this Motion is filed prior to date 21-day cut-off in the Local Rules.

The Court can grant this Motion and do so in shortened time under Fed. R. Civ. P. 6(b)(1)(A), LR 26-3 and LR IA 6-1(d) for good cause.

Fed. R. Civ. P. 6(b) states in relevant part:

(b) EXTENDING TIME. (1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

1 LR 26-3 states in relevant part:

2 A motion or stipulation to extend any date set by the discovery plan,
3 scheduling order, or other order must, in addition to satisfying the
4 requirements of LR IA 6-1, be supported by a showing of good cause
5 for the extension. A motion or stipulation to extend a deadline set
6 forth in a discovery plan must be received by the court no later than
7 21 days before the expiration of the subject deadline. A request
8 made within 21 days of the subject deadline must be supported by a
9 showing of good cause. A request made after the expiration of the
subject deadline will not be granted unless the movant also
demonstrates that the failure to act was the result of excusable
neglect. A motion or stipulation to extend a discovery deadline or to
reopen discovery must include:

10
11 As seen in *Ahanchian*, *Mosely* and other apposite cases “good cause” concerning the
12 standard can virtually be any reasonable, rational, practical or feasible reason provided by the
13 moving party, with little to no deference for factors used in applying the more stringent standard
14 of “excusable neglect” (i.e. good faith, reasons for not complying or delaying, and level of
15 prejudice etc.). *See Ahanchian*; *See also Mosely*. In the instant matter most there is good cause
16 and this Motion is made before the expiration of any deadline and made 21 days before the
17 nearest discovery deadline..
18

19 The *Ahanchian* Court held:

20 Critically, the record is devoid of any indication either that
21 *Ahanchian's* counsel acted in bad faith or that an extension of time
22 would prejudice defendants. To the contrary, the record reflects that
23 *Ahanchian's* counsel acted conscientiously throughout the litigation,
24 promptly seeking extensions of time when necessary and stipulating
25 to defendants' earlier request for an extension of time to file their
26 answer and to the twelve-week extension due to two defendants' late
27 appearances.....Had the district court had any doubts about the
28 veracity or good faith of *Ahanchian's* counsel, or been worried about
prospective prejudice, it could have held an evidentiary hearing or
sought more information; instead, without support in the record, it
summarily denied *Ahanchian's* request.”

1 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–60 (9th Cir. 2010)(emphasis added).

2 In the instant matter, the Plaintiff and Plaintiff’s counsel have not acted in bad faith in
3 bringing this Motion, but instead have acted in good faith (and reasonably) as Plaintiffs’ counsel
4 has always first sought a stipulation in emails, telephone calls and meet-and-confer and the
5 Defendants have said they will not oppose this Motion or the request for two month extension.
6 The Plaintiffs sought extensions from the defendants’ counsels of record (like the plaintiff’s
7 counsel in *Ahanchian*) before filing this Motion. *See supra* Odunze Decl.
8

9 If the Court deems it proper, reasonable, practical or just the Court can grant—with or
10 without motion or notice”—an extension or if the Court was not inclined to immediately grant a
11 two-month/60-day grant it could hypothetically grant (*sua sponte* "with or without motion or
12 notice") using the power under Fed. R. Civ. P. 6(b) a shorter extension, however a two-
13 month/'60-day extension or alternatively an extension of as close to two-month/60-days to
14 complete discovery and extend all deadlines including cut-offs, amending/add parties, experts,
15 rebuttal expert, dispositive motion and all other discovery. The Plaintiffs’ Motion should be
16 GRANTED in its entirety.
17

18 Although it is only persuasive (state court) not binding precedential authority on federal
19 court, in *Mosely* Nevada’s Supreme Court expressed “cause shown” in some instances can be
20 interpreted as “good cause”, the Plaintiffs mention the *Mosely* Court’s decision here to illustrate
21 the breadth/range of the standard for “good cause” as seen by some nearby contemporary courts.
22 The above and below recited facts and circumstances are demonstrative of good cause.
23

24 Concerning Court rules, the United States Court of Appeals of the Ninth Circuit (“Ninth
25 Circuit”) held rules are ‘to be liberally construed to effectuate the general purpose of seeing that
26 cases are tried on the merits.’” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–60 (9th
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1 Cir. 2010) (*citing Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir.1983) (*quoting Staren v. American*
 2 *Nat'l Bank & Trust Co. of Chicago*, 529 F.2d 1257, 1263 (7th Cir.1976)).

3 In *Ahanchian*, the Ninth Circuit further held, “‘Good cause’ is a non-rigorous standard
 4 that has been construed broadly across procedural and statutory contexts.” 624 F.3d 1253; *See*
 5 *also e.g., Venegas–Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v.*
 6 *Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954
 7 (4th Cir.1987). Although the two cases concern two different court systems (one the federal
 8 system and the other state system) *Ahanchian* and *Mosely* mirror, reflect and reinforcement each
 9 others’ underlying sentiment, precedent and propositions concerning liberal grant of extensions
 10 and liberal findings of good cause for granting extensions, additionally *Scrimmer v. Eighth*
 11 *Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 507, 998 P.2d 1190 (Nev. , 2000) and
 12 *Domino v. Gaugha*, 103 Nev. 582, 747 P.2d 236 (1937) are additional Nevada Supreme Court
 13 decisions that mirror and reinforce the precedent and propositions of *Ahanchian*. In *Scrimmer* the
 14 calendaring and scheduling demands/constraints/difficulties of the plaintiff’s counsel where
 15 sufficient good cause for granting extension (the *Scrimmer* Court also discusses other variables
 16 concerning counsel worth considering that constituted good cause for an extension)

17 More importantly the holding *Ahanchian* is illustrative, instructive and authoritative of
 18 the how Courts in this Circuit gage and adjudge good cause and the variables and metrics utilized
 19 and considered by Courts in this Circuit to determine good cause.

20 Even under the more stringent Fed. R. Civ. P 6(b)(1)(B) (which utilizes excusable neglect
 21 as a measure and which the Court need not reach) the Plaintiff would still be entitled to two-
 22 month/60-day extension or alternatively to as close to a two-month/60-day extension as possible.
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1 Even excusable neglect’s more stringent standard (articulated in Fed. R. Civ. P.
 2 6(b)(1)(B))—which is triggered by a moving-party failing to file a motion for extension prior to
 3 the expiration of an applicable deadline—still enables enlargements of time for a moving party
 4 even when an applicable deadline has been missed, therefore even if that standard applied (which
 5 it does not) the Plaintiff would still be entitled to the relief requested in this Motion. *See* Fed. R.
 6 Civ. P 6(b); *Mosely v. Eighth Judicial Dist. Court ex rel. County of Clark*, 188 P.3d 1136 (Nev.
 7 2008); *See MCI Telecomm. Corp. v. Teleconcepts, Inc.*, 71 F.3d 1086, 1097 (citing *United States*
 8 *v. Nuttall*, 122 F.R.D. 163, 166-67 (D. Del. 1988)). Specifically, Fed. R. Civ. P 6(b) states the
 9 Court may enlarge the period “on motion made after the time has expired if the party failed to act
 10 because of excusable neglect”. Some general factors considered by courts when deciding an
 11 enlargement under the more stringent excusable neglect standard (though the Plaintiff has not
 12 been neglectful in this matter) include (1) good faith by the party seeking enlargement, (2) a
 13 reasonable basis for not complying within the specified time period, (3) the level of prejudice to
 14 the nonmoving party. *See MCI Telecomm. Corp. v. Teleconcepts, Inc.*, 71 F.3d 1086, 1097 (citing
 15 *United States v. Nuttall*, 122 F.R.D. 163, 166-67 (D. Del. 1988); *See also Oyama v. Sheehan*
 16 *F.3d 253 507(2001)*; *See also Mosely v. Eighth Judicial Dist. Court ex rel. County of Clark*, 188
 17 P.3d 1136 (Nev. 2008); *See Ohlinger v. U.S.*, 135 F. Supp. 40 (D. Idaho 1955).

21 Considering the extension is sought is a two-month/60-day or alternatively an as close to
 22 two-month/60-day extension as possible (or some close shorter period), that Plaintiffs’ counsel
 23 asked the defendants’ counsel for extension before filing this Motion (and the Defendant said
 24 they would not oppose it), that the Plaintiffs’ counsel has acted as “conscientiously” with respect
 25 to seeking extensions-and-grating extensions as the plaintiff’s counsel in *Ahanchian* (granting
 26 the defendants’ counsel’s requests to extend their time to answer/respond to the SAC, granting
 27
 28

the defendants' counsel's request to move/continue discovery dates [including 26(f) conference, initial disclosure dates and dates for completing scheduling orders]) there's good faith and good reasons articulated for extension etc.

Respectfully the relief requested in this Motion can be, and should be fully granted under Fed. R. Civ. P. 6(b)(1)(A) and/or LR 26-3 for good cause, nonetheless considering the facts (including but not limited to those in the Odunze Decl.) had the deadlines passed it could have also been granted under Fed. R. Civ. P. 6(b)(1)(B), such deadlines have not passed before the filing of this Motion so the relief requested in this Motion should be granted and is properly granted under Fed. R. Civ. P. 6(b)(1)(A) and LR 26-3.

LR IA 6-1(d) states:

Motions to shorten time will be granted only upon an attorney or party's declaration describing the circumstances claimed to constitute good cause to justify shortening of time. The moving party must advise the courtroom administrator for the assigned judge that a motion for an order shortening time was filed.'

The facts, circumstances, variables and needs discussed in the Odunze Decl. and the facts, circumstances, variables and needs discussed in this Motion show that the Motion should be GRANTED under Fed. R. Civ. P. 6(b)(1)(A), LR 26-3 and a two-month/60-day extension or alternatively as close to a two-month/60-day extension should be granted. The Odunze Decl. and the above provide good cause and good reasons to GRANT this instant motion.

This Motion and the relief requested and contemplated by it should be granted under Fed. R. Civ. P. 6(b)(1)(A), LR 26-3 and any other applicable rule that is favorable to the Plaintiffs. This motion is not filed for the purpose of delay.

VII. CONCLUSION

Respectfully, based on the foregoing the motion should be GRANTED. Respectfully, this

1 Moton is first-and-foremost and overarchingly a request for the extension for all discovery
2 deadlines to be extended by approximately two-months/60-days (two months) or alternatively to
3 as close as two-months/60-days as possible, that is the central/primary relief that is foremost
4 requested herein and should be GRANTED. The Motion should be GRANTED in its entirety.
5
6 The discovery dates should be extended by approximately two-months/60-days or as close to
7 two-months/60-days as possible and the Plaintiffs' proposed new dates should be adopted.

8 The Court should grant any other relief that is favorable to the Plaintiff the Court feels is
9 necessary, proper, practical or just (arising in chamber, any hearing, review, pleadings, record or
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evidence) adduced in or by the Court's consideration and review of the instant Motion).

DATED this 5th day of March 2024

ODUNZE PLLC

/s/Ikenna Odunze

Ikenna Odunze, Esq.

ODUNZE & SWANIGAN

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The stipulation is GRANTED,
discovery deadlines will be as outlined Section V.

Absent extenuating circumstances the Court is not inclined
to grant further continuances.

IT IS SO ORDERED

DATED: 11:04 am, March 06, 2024



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE